

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>ANGELO FEARS,</b>	<b>:</b>	
<b>Petitioner,</b>	<b>:</b>	<b>CASE NO. 01 CV 183</b>
<b>vs.</b>	<b>:</b>	<b>JUDGE RICE</b>
<b>MARGARET A. BAGLEY, WARDEN</b>	<b>:</b>	<b>MAGISTRATE JUDGE MERZ</b>
<b>Respondent.</b>	<b>:</b>	

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**WARDEN'S AGREED MOTION FOR  
EXTENSION OF TIME TO FILE A  
RESPONSE TO FEARS OBJECTIONS TO  
MAGISTRATE'S REPORT**

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With extensions of time granted by the Court and with the full consent and approval of the Warden, Fears on March 30, 2006, filed objections to Doc. 114, Magistrate's Report and Recommendation. Fears objections are detailed and extensive, and amount to 105 pages of text. Given the depth and breadth of the objections, a fitting and appropriate response from the Warden would require time beyond the ten day allotment in FRCP 72(b).

Counsel for the Warden communicated this day with Lawrence Greger, counsel for Fears, and advised Mr. Greger that the Warden would be asking for a 45 day extension of time to respond to the objections, such that the Warden's Response would be due May 25, 2006. Mr. Greger graciously consented.

On this foundation, the Warden respectfully requests that this Court grant the requested extension to afford the Warden sufficient time, especially in view of an obligation held by the undersigned to file a proof brief in the Sixth Circuit on May 15, 2006, in another capital case, to submit a comprehensive response to Fears objections. Accordingly, the Warden requests that the Court allow the response to objections to be due on or before May 25, 2006.

Respectfully submitted,

**JIM PETRO**

Attorney General

S/ Stephen E. Maher

**STEPHEN E. MAHER (0032279)**

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**COUNSEL FOR RESPONDENT**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Respondent's Agreed Motion for Extension of Time To File Response to Objections has been forwarded to Lawrence Greger, 1100 Liberty Tower, 120 W. Second Street, Dayton, Ohio 45402 and Linda Prucha, Ohio Public Defender, 8 East Long Street, 11<sup>th</sup> Floor, Columbus, Ohio 43215, by electronic filing this 7th day of April, 2006.

S/Stephen E. Maher

STEPHEN E. MAHER

Assistant Attorney General